

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY BERKSHIRE,

Plaintiff,

v.

Case No. 13-11599

J. KLIMOWICZ,

HON. TERRENCE G. BERG

HON. DAVID R. GRAND

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 65)

This matter is before the Court on Magistrate Judge David R. Grand's December 12, 2014 Report and Recommendation (Dkt. 65), recommending that Defendant Klimowicz's motion for summary judgment (Dkt. 50) be granted.

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation, and finds that it is well-reasoned and supported by the relevant law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Neither party filed any objections to Magistrate Judge Grand's Report and Recommendation, and the time to do so has expired. Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore,

accept the Magistrate's Report and Recommendation of December 12, 2014, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of December 12, 2014 (Dkt. 65) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant Klimowicz's motion for summary judgment (Dkt. 50) is **GRANTED**. Plaintiff's claims against Defendant Klimowicz are hereby **DISMISSED WITH PREJUDICE**. As Defendant Klimowicz is the sole remaining Defendant in this case, the Court will enter Judgment in favor of Defendants, and close this case.

SO ORDERED.

Dated: January 23, 2015

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on January 23, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager